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**PATENT**  
Case Docket No. ELITRA.001A  
Date: July 29, 2003  
Page 1

In re application of : Zyskind et al.  
App. No. : 09/492,709  
Filed : January 27, 2000  
For : GENES IDENTIFIED AS  
REQURED FOR THE  
PROLIFERATION OF  
ESCHERICHIA COLI  
Examiner : Ardin H. Marschel  
Art Unit : 1631

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 29, 2003

(Date)

  
Jerry L. Hefner, Reg. No. 53,009

**COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below:

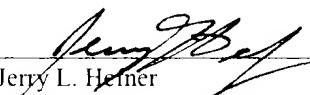
**CLAIMS AS FILED**

CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	49	—	111	= 0 × \$9	= \$0
Independent Claims	6	—	40	= 0 × \$42	= \$0
Time Extension Fee					\$0
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0</b>

(X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

(X) Return prepaid postcard.

(X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

  
Jerry L. Hefner  
Registration No. 53,009  
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ELMTRA.001A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group Art Unit : 1631

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RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Office Action mailed on June 30, 2003 (Paper Number 32), for the above-referenced patent application. Applicants would like to thank the Examiner for his assistance in moving the application to allowance. Applicants respectfully request that the Examiner consider the following remarks.

A Listing of Claims begins on page 2 of this paper.

Remarks begin on page 9 of this paper.